

From: maria torres [mailto:mujercoahuilteca@gmail.com]
Sent: Wednesday, January 07, 2015 9:39 AM
To: Gee, Randy <Gee.Randy@epa.gov>; maria torres <mujercoahuilteca@gmail.com>
Subject: Re: EPA Letter dated 5/14/1994 notified Indian Tribes affected Cultural Resources-Natural Resources for proposed Coal Mine At Eagle Pass Texas

Randy

Greetings and Blessings. Enclosed please find EPA letter dated 5/14/1994, contacted Indian Tribes on Cultural Resources-Natural Resources Lands affected by proposed Coal Mine. Also letter dated 5/24/1994 of The National Advisory Council on Historic Preservation. Please confirm/reply. Thank you.

Coahuilteca Indian Tribe Nation
The Pacuache Clan of Texas
Mary Torres
Tribal Chairwoman
(210) 483-3879



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

NOV 14 1994

Ms. Claudia Nissley
Advisory Council on Historic Preservation
730 Simms St. Suite 401
Golden, CO 80401

Subject: Programmatic Agreement
Eagle Pass Mine Project
Maverick County, Texas

Dear Ms. Nissley:

The U.S. Environmental Protection Agency (EPA) is pleased to provide the enclosed Programmatic Agreement (PA) for signature by the Advisory Council on Historic Preservation (ACHP). The PA, when executed by the ACHP, evidences the EPA has satisfied its Section 106 responsibilities under the National Historic Preservation Act for this undertaking.

The PA has been signed by the EPA and Historic Preservation Officer of Texas, and concurred on by Dos Republicas Resources Company, Inc. As requested, the EPA consulted with interested parties, including Native Americans, in the development of the PA. The Kickapoo, Comanche, and Mescalero Apache Tribal Councils were invited by letter to participate in the consultation process as "interested parties" on the subject undertaking. For your information, the Kickapoo Tribe accepted, indicating tribal lands of interest in Maverick County, Texas. The Comanche Tribal Council declined, indicating no tribal lands were affected, and the Mescalero Apache Tribal Council did not respond. In addition to the Kickapoo Tribe, the Sierra Club, Lone Star Chapter, will also participate in the consultation process under the PA as an interested party.

The Final Environmental Impact Statement (FEIS) on the EPA's proposed National Pollutant Discharge Elimination System permit for the Eagle Pass Mine will include a discussion on, and a copy of, the PA. A paragraph will explain the PA provides the procedural framework under which cultural properties eligible for inclusion to the National Register of Historic Places will be identified and protected prior to their disturbance or destruction in the course of mining operations. The EPA will also, through the FEIS, invite other interested persons, as follows, to participate in the Section 106 process:

- 1) the head of a local government when the undertaking may affect historic properties within the local government's jurisdiction;

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- 2) the representative of an Indian tribe in accordance with 36 CFR Part 800.1(c)(2)(iii);
- 3) owners of affected lands; and
- 4) other interested persons when jointly determined appropriate by the EPA, the Historic Preservation Officer of Texas, and the ACHP.

The EPA appreciates the ACHP's assistance in the development of the PA. Please provide three (3) copies of the executed PA to Mr. William L. Cox, Chief of the Federal Assistance Section (6E-FF). If there are any questions, please contact Mr. Cox at 214-665-2258.

Sincerely yours,

Allyn M. Davis

for Jane N. Saginaw
Regional Administrator

Enclosure

cc: Curtis Tunnell
Executive Director
Texas Historical Commission

DRCP 00013601

Advisory
Council On
Historic
Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW. #809
Washington, DC 20004

Reply to: 730 Simms Street, #401
Golden, Colorado 80401

May 24, 1994

William L. Cox, Chief
Federal Assistance Section (6E-FF)
Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2732

REF: Programmatic Agreement regarding Dos Republicas Resources Co.,
Inc. proposed Eagle Pass Mine in Maverick County, Texas

Dear Mr. Cox:

On March 28, 1994, we received the revised draft Programmatic Agreement (PA) regarding the Dos Republicas Resources Company's proposed Eagle Pass Mine in Maverick County, Texas. On May 4, 1994 we received the preliminary draft Environmental Impact Statement for the project. Although many of our concerns about the PA (expressed in our letter of February 24, 1994), were addressed in the most recent draft, we request several additional changes, as follows:

1. We suggest the following wording for stipulation 2.

"2. Surveying, Testing, and Evaluation Reports. The Applicant shall prepare reports of the results of the archaeological and historic survey that are consistent with the Secretary of the Interior's "Guidelines for Archaeological Documentation" (48 FR 44734-37).

The Applicant shall submit all Survey, Testing, and Evaluation Plans and Reports to the SHPO for a 30-day review period. The Applicant will revise the Plans or Reports in accordance with SHPO comments and resubmit them for a 20 day review period. Disputes over the content of any Plan or Report will be resolved in accordance with the Dispute Resolution procedure in Stipulation 12."

2. The eligibility to the National Register of Historic Places must be determined for all historic properties identified within the Area of Potential Effect. Stipulation 3 should be worded as follows:

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"3. The EPA shall determine, in consultation with the SHPO, the eligibility to the National Register of Historic Places of all properties identified within the project area."

3. Avoidance of historic properties should be considered a treatment measure. Stipulation 6 should include the following statement: "All avoidance measures will be included in the Plan for the Treatment of Archaeological Properties described in Stipulation 8." Under stipulation 8, please delete "and may not feasibly be avoided." Please add "avoidance" to the list of treatments applied to historic properties in the next line of Stipulation 8.

4. Stipulation 4 should read:

"4. The EPA shall ensure that the Applicant implements the Plan(s) described in Stipulation 8."

The second line of Stipulation 4 should be made a separate stipulation entitled "Annual Report" which should read as follows:

"The Applicant will submit, in January of each year, to all signatories to this agreement, a report summarizing the results of the previous year's work conducted or completed in accordance with the Plan(s)."

5. Finally, please add a stipulation that addresses curation of artifacts that may be recovered during identification efforts, testing, or data recovery. Artifacts should be curated in accordance with 36 CFR Part 79.

Thank you for providing us with the opportunity to review and comment on the revised PA and preliminary EIS. If you have questions, please contact Catherine Cameron of our staff at (303) 231-5320.

Sincerely,



Claudia Nissley
Director, Western Office
of Review

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